

03-11-03

RCE/3729
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Docket No. 1948-4631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Nicolai et al.

Group Art Unit: 3729

Serial No.: 09/423,075

Examiner: Anthony D. Tugbang

Filed: November 1, 1999

For: SHIELDING AN ELECTRONIC CARD WITH PRINTED CIRCUIT
MOUNTED ON A METAL SUBSTRATE

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: **EV 094908225 US**

Date of Deposit: **March 10, 2003**

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TECHNOLOGY CENTER R3700

I hereby certify that the following attached paper(s) and/or fee

1. Request for Continued Examination (RCE) Transmittal Form;
2. Request for a Fee Refund Pursuant to 37 CFR § 1.26;
3. Petition and Fee for Extension of Time (4 months);
4. Check in the amount of \$750.00 (RCE);
5. Check in the amount of \$1450.00 (Ext. of Time); and
6. Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, DC 20231

Richard D. Ratchford Jr. (Reg. No.: P 53,865)

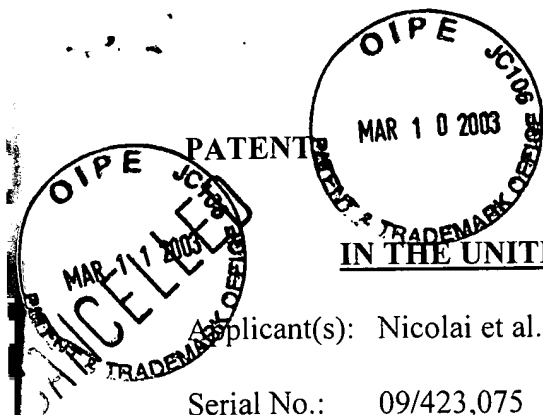
(Typed or printed name of person mailing papers(s) and/or fee)

Richard D. Ratchford Jr.

(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

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#18

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Commissioner for Patents
Washington, DC 20231

Attention: Refund Branch, Accounting
Division, Office of Finance

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TECHNOLOGY CENTER R3700

REQUEST FOR A FEE REFUND PURSUANT TO 37 C.F.R. § 1.26

Sir:

Further to the Office Action dated May 8, 2002 and Advisory Action dated February 19, 2003, Applicants herewith file an RCE to request consideration of the August 8, 2002 Amendment in the above case, and a petition for a four month extension of time to render the filing of the RCE timely. Applicants respectfully request a refund for the Extension of Time Fee that is being paid today, March 10, 2003. The factual bases for Applicants' request are as follows:

- On May 8, 2002, a Final Office Action was issued in this application;
- On August 8, 2002, Applicants filed an Amendment Under 37 C.F.R. § 1.116;
- On September 9, 2002, Applicants filed a Notice of Appeal and a Petition and Fee for Extension of Time because no response had yet been received from the U.S. Patent and Trademark Office to the Amendment filed August 8, 2002;
- After still not having received any further notification from the U.S. Patent and Trademark Office on February 13, 2002, Applicants' attorney contacted

Examiner Anthony D. Tugbang regarding the August 8, 2002 Amendment. During the course of the interview it was discovered that the delay in responding was attributable to the Patent Office at least partly because the case was internally reassigned, and due to circumstances beyond the control of Applicants no response to the August 8, 2002 Amendment was provided. This now directly results in the requirement of at least a four month extension of time and associated fee for submitting a further response in this matter;

- On February 19, 2003, an Advisory Action was issued in response to the August 8, 2002 Amendment. The Advisory Action also included an Interview Summary indicating that no response had been sent to the Applicants regarding the status of the August 8, 2002 Amendment;
- Today, March 10, 2003, Applicants are filing an RCE, a Petition for Extension of Time and a check in the amount of \$1450.00 (Extension of Time Fee) in response to the February 19, 2003 Advisory Action untimely submitted by the Examiner.

In short, Applicants believe that the \$1450.00 Extension of Time Fee is being unnecessarily paid by Applicants, as the delay in responding to the August 8, 2002 Amendment was attributable to the Patent Office and in no part the fault of the Applicants. Accordingly, Applicants respectfully request that the amount of \$1450.00 be refunded either in the form of a check made payable to Applicants' attorneys, Morgan & Finnegan, at the mailing address below, or, in the alternative, that such refund be credited to the account of Applicants' attorneys, that is, Deposit Account No. 13-4500, Order No. 1948-4631.

PATENT

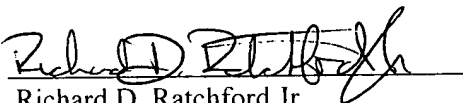
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Applicants believe this response is filed timely and that no extension of time is required. However, should an extension of time be necessary, Applicants respectfully petition that such extension be granted. The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this response under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1948-4631.

Please contact the undersigned at the telephone number below if there are any questions regarding this matter.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 10, 2003

By: 
Richard D. Ratchford Jr.
Registration No. P 53,865

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